

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

LEE JOSEPH CHERNOFF,

Plaintiff,

v.

CIV 17-1104 MV/JHR

THE HEART HOSPITAL BAYLOR PLANO,  
WALTER SIMON M.D., and ELLEN SIMON,

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

On February 15, 2018, Magistrate Judge Jerry H. Ritter filed his Proposed Findings and Recommended Disposition (*Doc. 25*), in which he recommended that the Motions to Dismiss filed by the Defendants (*Docs. 13, 14*) be granted and that this action be dismissed without prejudice for lack of personal jurisdiction. Magistrate Judge Ritter furthermore recommended that Defendants' Motion to Stay (*Doc. 23*) be denied as moot. The proposed findings notified the parties of their ability to file objections and that failure to do so waives appellate review. As of today, no objections have been filed and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Magistrate Judge's Proposed Findings and Recommended Disposition (*Doc. 25*) is **ADOPTED**;
2. The Defendants' Motions to Dismiss (*Docs. 13, 14*) are **GRANTED**.
3. Defendants' Motion to Stay (*Doc. 23*) is **DENIED** as moot.

4. This case is dismissed without prejudice.

Dated this 19<sup>th</sup> day of March, 2018.

  
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HONORABLE MARTHA VÁZQUEZ  
UNITED STATES DISTRICT JUDGE